

## **REMARKS**

Reconsideration of this application is requested in view of the amendments to the claims and the remarks presented herein.

The claims in the application are claims 1 to 11, 13 to 15, 19 and 20, all other claims having been cancelled.

Claims 1 to 11 and 13 were rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over the claims of U.S. Patent No. 6,677,429. The Terminal Disclaimer filed herewith obviates this ground of rejection and therefore, withdrawal of the same is requested.

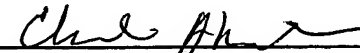
All of the claims were rejected under 35 USC 112, second paragraph, as being indefinite in the expression "all possible isomeric forms and their mixtures. Claim 20 was rejected as lacking the essential step in the method of treating fungal infections.

Applicants respectfully traverse these grounds of rejection since it is believed that the amended claims properly define the invention. The expression "all possible isomeric forms and their mixtures" has now been replaced by the terminology "all possible stereo isomers" and it is believed that this is in accordance with the practice of the Patent Office since the same terminology has been allowed in the *Courtin et al*

Patent No. 6,677,429 cited by the Examiner. With respect to claim 20, it is believed that the same is in the proper method of treatment form consistently used by the Patent Office since it calls for administering to a warm-blooded animal in need thereof an anti-fungally effective amount of a compound of claim 15. Again, this terminology is consistent with that used in the Courtin et al patent cited by the Examiner and it is not deemed that Applicants have omitted any essential step. Therefore, withdrawal of these grounds of rejection is requested.

In view of the amendments to the claims and the above remarks, it is believed that the claims clearly point out Applicants' patentable contribution and favorable reconsideration of the application is requested.

Respectfully submitted,  
Muserlian, Lucas and Mercanti

  
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Enclosures